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February 18, 2005

To: Examiner C. Michelle Colon
Group Art Unit 3623

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U.S. Patent & Trademark Office

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From: David Alberti
650.833.2052

Client-Matter Number: 2101197-991101

Re: United States Patent Application No. 09/586,722
Filed: June 5, 2000

Entitled: DATA PROCESSING SYSTEM AND METHOD THAT PROVIDES AN
INTEGRATED AND COMPREHENSIVE USER INTERFACE FOR ANALYSIS OF
VALUE CREATION PERFORMANCE OF A BUSINESS ENTERPRISE
Inventor: Robert I.G. McLEAN et al.

Pages: 2 - (including this form)

Originals: will not follow

If there is a problem with this transmission, please call Jan Huss at 650-833-2000

Fax Operator/Ext. xt 1569

Message:

Please provide the attached Agenda For Interview of March 1, 2005 (3P.M. E.S.T.) relating to the above referenced application to Examiner Catherine M. Colon.

Thank you.

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AGENDA FOR INTERVIEW OF MARCH 1, 2005 (3 P.M. E.S.T.)
U.S. PAT. APP. S/N 09/586,722

Applicants' counsel would like to discuss the following issues:

1. On page 2 of the Final Office Action, the Examiner rejected claims 1-13 and 18-22 under §101 on the basis that the claims did not recite a connection to the use of a computer or other technology. The Examiner has requested the Applicant point out which steps may have a connection to a computer. Applicant has followed the Examiner's instructions and has amended each of the independent claims to specifically indicate that certain steps are performed "by use of a computer system." Applicants' counsel would like to confirm that these amendments satisfy the Examiner's concerns and are sufficient to overcome the rejection.
2. On pages 5 and 6 of the Final Office Action, the Examiner indicated that the authorization limitations of the claims were unclear with respect to use of the term "according to," and could therefore, read on Eder. In response, Applicants amended independent claims 1, 5, 14 and 18 to specify that the authorization of selected assumed variables is "based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables." Independent claim 10 was amended to also incorporate the authorization concept with respect to the ability to provide real-time feedback to the system. Particularly, claim 10 was amended to recite "selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback." Eder fails to disclose or suggest such a multi-level authorization system or method. Applicants' counsel would like to confirm that these amendments satisfy the Examiner's concerns and are sufficient to overcome the rejection.